

REMARKS

By this amendment, claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 21-23, 25-29, 31, 34, 43-45, 53-55, 58-61, and 75-79 are pending. Claims 3, 4, 6, 8, 11, 12, 14, 16, 19, 20, 24, 30, 32, 33, 35-42, 46-52, 56, 57, and 62-74 have earlier been canceled. No new matter has been introduced.

Claims 1, 2, 13, 18, 21, 76 and 77 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Schneidewend et al. (Schneidewend), in view of Donnelly (Donnelly).

This rejection is respectfully traversed.

In regards to independent claim 1, applicants respectfully submit that Schneidewend generally provides a service management system for a multimedia video decoder. Schneidewend explicitly states in Col. 1 Lines 40-51 cited by the Examiner that “A video decoder on-screen display interface system generates an abbreviated menu list of favorite multimedia services available from both local and remote sources to enable navigation through user selected favorite services”. Schneidewend further disclose in FIG. 1 and in Col. 2, Lines 28-31 that “an interface enabling a User to create, manage and maintain favorite service lists for facilitating User navigation through a complex array of multimedia services”. It is clear that Schneidewend merely disclose a video decoder, on the user side (FIG. 1, FIG. 2), that enables users to manage lists of their own favorite multimedia services. That is, the system of Schneidewend, at best, provides services only on a decoder (receiver) side, wherein the content of the menu lists is specifically associated with the user. Further, nowhere in the entire disclosure of the Schneidewend reference is there any teaching that the menu displays (apparently the alleged second set of announcements of electronic service guide data describing at least one updated multimedia session) constitute an announcement and describe at least one updated multimedia session, much less, any announcement or update.

The Examiner referred to Col. 4, Lines 35-67 and Col. 6, Lines 26-45 of Schneidewend as: “The menu displays are generated in the form of **overlay pixel map data** by OSD generator under direction of controller **and are updated using the database maintained by unit in controller**” (emphasis added). It is clear from the quoted paragraph that a menu display as referred to by Schneidewend, is an overlay pixel map, generated by a component (OSD) of a digital video decoder 100, which is directly connected to user devices 50, 80, 83, and 90 (FIG. 1, FIG. 2). The Examiner compares the menu display as disclosed by Schneidewend with the first and second sets of announcements of electronic service guide data as disclosed by the claimed invention. This comparison is erroneous, because the sets of announcements as disclosed by the claimed inventions are electronic service guide data provided through a network, while the menu display of Schneidewend is obviously an internal function of a digital video decoder device. Therefore, it is clear that the menu display as referred to by Schneidewend has a very different nature than the sets of announcements as disclosed by the claimed inventions. As a result, the comparison between update of menu display by Schneidewend with the update of sets of announcements as disclosed by the claimed inventions is erroneous as well. Thus, the system of Schneidewend cannot reasonably be said to provide a first set of announcements of electronic service guide data ... to be transmitted through a network, providing a second set of announcements of electronic service guide data describing at least one updated multimedia session that was updated into an earlier version of the first set of announcements ... causing, at least in part, transmission of said first and second set of announcements, as recited in independent claim 1.

The secondary reference to Donnelly does not cure the deficiencies of Schneidewend. Specifically the disclosure of Donnelly, at best, merely discusses providing a list of new information services responsive to a user command (Abstract, [0004], [0005]). The disclosure of Donnelly “is implemented on a personal computer, a PCTV, a television connected to a set-up box, or a television including a custom board” ([0025], FIG. 1B, FIG. 1C). It is clear from the quoted paragraph that Donnelly’s disclosure does not consider the media information transmitted through a network, on the contrary Donnelly, similar to Schneidewend, discloses service display at the user side and not the information transfer via a network.

Furthermore, the Examiner states on Page 5 of the Office Action: “... examiner assumed that the both of the first and second sets of announcements contains update sessions and other sessions.” Apparently, the Examiner misunderstood the concepts of first and second sets of announcements. As recited in claim 1: “.... a second set of announcements of electronic service guide data describing at least one updated multimedia session that was updated into an earlier version of the first set of announcements” It is clear that a second set of announcement, describes updates into a first set of announcements. Therefore, the assumption that both sets contain updates is not correct.

Therefore, as discussed above, there are substantial differences between the claimed inventions on the one hand and those of the applied references on the other hand that undermine the obviousness conclusion under 35 U.S.C. §103(a).

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicants do not agree that the requisite basis to support the asserted motivation has been established, the claimed inventions would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp*, 837 F.2d 1044 (Fed. Cir. 1988).

Additionally, claims 2, 13, 18, 21, 76 and 77 depend from independent claim 1. Thus, whether taken alone or in combination, and Applicants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references, Schneidewend and Donnelly fail to teach or render obvious all of the recited features of claims 1, 2, 13, 18, 21, 76 and 77. Therefore, claims 1, 2, 13, 18, 21, 76 and 77 are patentable over Schneidewend and Donnelly for at least the reasons described with regards to independent claim 1.

Applicants, therefore, submit that the imposed rejection of claims 1, 2, 13, 18, 21, 76 and 77 under 35 U.S.C. §103(a) for obviousness predicated upon Schneidewend in view of Donnelly is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 3, 7, 9, 10, 15, 22, 23, 24, 25, 26, 27, 28, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Donnelly and further in view of Rizzo et al. (Rizzo).

This rejection is respectfully traversed.

Dependent claim 3 has been previously cancelled. Applicants assume that by claim 3 the Examiner is referring to claim 5.

Dependent claims 5, 7, 9, 10, 15, 22, 23, 24, 25, 26, 27, 28, and 29 depend from independent claim 1. Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of independent claim 1 for obviousness upon Schneidewend in view of Donnelly. The additional reference to Rizzo does not cure the deficiencies of Schneidewend and Donnelly discussed above. Thus, whether taken alone or in combination, and Applicants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references, Schneidewend, Donnelly, and Rizzo fail to teach or render obvious all of the recited features of claims 5, 7, 9, 10, 15, 22, 23, 24, 25, 26,

27, 28, and 29. Therefore, claims 5, 7, 9, 10, 15, 22, 23, 24, 25, 26, 27, 28, and 29 also are patentable over Schneidewend, Donnelly, and Rizzo for at least the reasons independent claim 1 is patentable, as well as for the additional features these claims recite.

Accordingly, Applicants respectfully submit that the imposed rejection of claims 5, 7, 9, 10, 15, 22, 23, 24, 25, 26, 27, 28, and 29 under 35 U.S.C. §103(a) for obviousness predicated upon Schneidewend in view of Donnelly and further in view of Rizzo is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Donnelly and further in view of Rizzo and Dougall et al. (Dougall).

This rejection is respectfully traversed.

Dependent claim 17 depends from independent claim 1. The additional reference to Dougall does not cure the deficiencies of Schneidewend, Donnelly and Rizzo discussed above. Thus, whether taken alone or in combination, and Applicants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references; Schneidewend, Donnelly, Rizzo, and Dougall fail to teach or render obvious all of the recited features of claim 17. Therefore, claim 17 also is patentable over Schneidewend, Donnelly, Rizzo, and Dougall for at least the reasons independent claim 1 is patentable, as well as for the additional features this claim recites.

Accordingly, Applicants respectfully submit that the imposed rejection of claim 17 under 35 U.S.C. § 103(a) for obviousness predicated upon Schneidewend, Donnelly, Rizzo, and Dougall is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 31 and 75 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Donnelly and further in view of Mugura et al. (Mugura).

This rejection is respectfully traversed.

Dependent claims 31 and 75 depend from independent claim 1. The additional reference to Mugura does not cure the deficiencies of Schneidewend and Donnelly discussed above. Thus, whether taken alone or in combination, and Applicants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references; Schneidewend, Donnelly, and Mugura fail to teach or render obvious all of the recited features of claims 31 and 75. Therefore, claims 31 and 75 also are patentable over Schneidewend, Donnelly and Mugura for at least the reasons independent claim 1 is patentable, as well as for the additional features these claims recite.

Accordingly, Applicants respectfully submit that the imposed rejection of claims 31 and 75 under 35 U.S.C. § 103(a) for being obvious predicated upon Schneidewend, Donnelly and Mugura, is not factually or legally viable and, hence, solicit withdrawal thereof.

Claim 34 and 60-61 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Donnelly and further in view of Bell et al. (Bell).

This rejection is respectfully traversed.

Dependent claim 34 depends from independent claim 1, and dependent claims 60 and 61 depend from independent claim 58. Applicants note that independent claim 58 is rejected under 35 U.S.C. § 103(a) as obvious based on Schneidewend in view of Donnelly and Rizzo... Applicants believe the Examiner incorrectly included the rejection of claims 60 and 61 under this rejection. Notwithstanding this deficiency, below Applicants traverse the rejection of claims 60 and 61 as best understood,

The additional reference to Bell does not cure the deficiencies of Schneidewend, Donnelly and Rizzo discussed above. Thus, whether taken alone or in combination, and Applicants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references, the combination of Schneidewend, Donnelly and Bell fails to teach or render obvious all of the recited features of claim 34, and the combination of Schneidewend, Donnelly Rizzo and Bell fails to disclose or render obvious all of the recited features of claims 60 and 61. Therefore, claims 34, 60, and 61 also are patentable over Schneidewend, Donnelly, Bell (and the combination of Schneidewend, Donnelly, Rizzo and Bell) for at least the reasons independent claims 1 and 58 (as discussed below) are patentable, as well as for the additional features these claims recite.

Accordingly, Applicants respectfully submit that the imposed rejection of claims 34, 60, and 61 under 35 U.S.C. § 103(a) for being obvious predicated upon Schneidewend, Donnelly and Bell (and Rizzo), is not factually or legally viable and, hence, solicit withdrawal thereof.

Claims 43-45, 53-55, 58-59 and 78-79 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Donnelly and further in view of Rizzo.

This rejection is respectfully traversed.

Independent claim 43 recites, inter alia, “causing, at least in part, selective reception of a first set of announcements of electronic service guide data describing a plurality of multimedia sessions transmitted through a network; selective reception of a second set of announcements ... describing at least one updated multimedia session that was updated into an earlier version of the first set of announcements and is described in the first set of announcement.” Independent claims 53, 55, 58, 78, and 79 recite similar features.

Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of independent claim 1 for obviousness upon Schneidewend in view of Donnelly. Additionally, Applicants respectfully emphasize that Schneidewend discloses a video decoder on-screen display interface system (as referred by Examiner in Col. 1 Lines 40-51). It is known to one skilled in the art that a video decoder decodes the media information it receives from a media provider (e.g. a datacast service system) to be presented to user via user devices. Therefore, it is known in the art that a video decoder is a component that decodes the information provided by a media provider in order to be presentable on user devices. However, a video recorder is not a media provider by itself. Thus, the system of Schneidewend cannot reasonably be said to cause, at least in part, selective reception of a first set of announcements of electronic service guide data describing a plurality of multimedia sessions transmitted through a network. Similarly, the disclosure of Donnelly also fails to disclose the communication of information (e.g. announcements) through a network.

The additional reference to Rizzo does not cure the deficiencies of Schneidewend and Donnelly discussed above. Thus, whether taken alone or in combination, and Applicants certainly do not agree that the requisite fact-based motivation has been established for combining the applied references, Schneidewend, Donnelly, and Rizzo fail to teach or render obvious all of the recited features of claims 43-45, 53-55, 58-59 and 78-79. Therefore, claims 43-45, 53-55, 58-59 and 78-79 also are patentable over Schneidewend, Donnelly, and Rizzo for at least the reasons independent claim 1 is patentable, as well as for the additional features these claims recite.

Accordingly, Applicants respectfully submit that the imposed rejection of claims 543-45, 53-55, 58-59 and 78-79 under 35 U.S.C. §103(a) for obviousness predicated upon Schneidewend in view of Donnelly and further in view of Rizzo is not factually or legally viable and, hence, solicit withdrawal thereof.

Therefore, the present application overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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June 27, 2011
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